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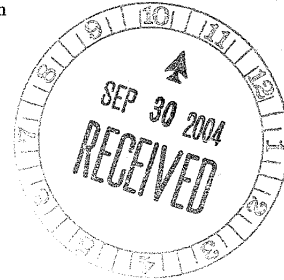
SIDNEY L. STRICKLAND, JR.  
Associate General Counsel

The Burlington Northern and  
Santa Fe Railway Company  
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Washington, DC 20005-5915  
(202) 347-8667 - Telephone  
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Sidney.Strickland@BNSF.com

**VIA UPS OVERNIGHT MAIL**

September 29, 2004

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001



**Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 400X); The Burlington Northern and Santa Fe Railway Company ("BNSF") Abandonment between Langdon and Hannah, North Dakota**

Dear Secretary Williams:

Please reference STB decision served on June 21, 2004. Condition #5 requires BNSF to submit, prior to beginning salvage activities, site forms for the three bridges and the final cultural resources report to the SHPO. By letter dated September 1, 2004, BNSF submitted the final archaeological report to the North Dakota State Historical Society ("SHPO") with a copy to the SEA, which included the site forms for the three bridges. Enclosed is a copy of SHPO's response to BNSF regarding its review of the archaeological report and their concurrence with "No Historic Properties Affected" determination.

BNSF requests that the Section 106 condition of the National Historic Preservation Act, 16 U.S.C. 470f, be removed.

If you have any questions, please contact me at (202) 347-8667 or Sidney.Strickland@BNSF.com.

Sincerely,

*Sidney L. Strickland, Jr.*  
BR  
Sidney L. Strickland, Jr.

Enclosure

cc: Richard Batie  
Merlan E. Paaverud, Jr. (SHPO)  
Victoria Rutson (STB, SEA)  
Rini Ghosh (STB, SEA)



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Director

Accredited by the  
American Association  
of Museums

September 14, 2004



Sidney L. Strickland, Jr.  
Burlington Northern and Santa Fe Railway Co.  
700 13<sup>th</sup> Street NW, Suite 220  
Washington, DC 30005-5915

ND SHPO REF.: 04-0151, Final Review, Proposed BN&SF Railway Co.  
Abandonment, Langdon to Hannah, Cavalier County, ND.

Dear Mr. Strickland:

We have reviewed: *Burlington Northern Santa Fe Railway Company Abandonment in Cavalier County, North Dakota, Class I and Class II Cultural Resources Inventories* (review draft version) by Cynthia Kordecki, UND, Department of Anthropology, Anthropology Research and Mark Hufstetler, Renewable Technologies, Inc., August 2004, and have found the report acceptable. We cannot, however, advise your office as to whether the report satisfies BNSF's obligations under Section 106 of the NHPA. That, as with the legally binding determination of eligibility for cultural resources, is a determination that the lead agency makes.

If consulted by the lead agency, the ND SHPO would recommend and concur that sites 32CV117, 32CV118, and 3CV119 are not eligible for the National Register of Historic Places. Also, in a letter dated May 11, 2004, the ND SHPO previously recommended to the Surface Transportation Board that we would concur with "No Historic Properties Affected" determination for each of these four projects provided they are of the nature specified and take place in the legal descriptions outlined in the report and correspondence.

Thank you for the opportunity to review this project. Please include the ND SHPO Reference number listed above in any further correspondence for this specific project. If you have any questions please contact Duane Klinner at (701) 328-3576.

Sincerely,

Merlan E. Paaverud, Jr.  
State Historic Preservation Officer  
(North Dakota)